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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,790

07/10/2003

John E. Holland

3781-26(37.2)

2004

7590

06/20/2006

VIRGINIA SZIGETI
HONEYWELL INTERNATIONAL, INC.
15801 WOODS EDGE ROAD
LAW DEPARTMENT
COLONIAL HEIGHTS, VA 23834

EXAMINER

SINGH, ARTI R

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/616,790	HOLLAND ET AL.	
	Examiner	Art Unit	
	Ms. Arti Singh	1771	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


 Ms. Arti Singh
 Primary Examiner
 Art Unit: 1771

Continuation of 11. does NOT place the application in condition for allowance because: With regard to Applicant's first traversal over the Double Patenting rejection applied over 10/359796- it is the position of the Examiner that Applicant is not discussing the most current set of amended claims. Currently, the only claims that exist in Application 10/359796 are 2, 7 and 9-11 with 11 being the only independent claim left. Claim 11 teaches under "a" the required layers that revived the Double patenting rejection. the limitations under section "a" of Claim 11 encompass that of the current application, that is they both require woven fabrics having inner and outer layers with layers on them; said fabric is made of ultra high molecular weight polyethylene; have the same denier for the yarns (claims 7, 9 and 10 of 10/359796) and both application are used for the same exact skirt assembly. It should also be noted that Applicant's claim language is open ended and does not preclude the use of additional or different layers. Thus, the Double patenting is an obvious variant and is maintained. With regard to Applicant's traversals over the art rejection made over Crewe in view of Holland further in view of Landry: in that Crewe does not teach the association of rubber with a woven, except as pointed by Applicant in the Background Information section. This is sufficient as it teaches that it was well know in the art, and it should be noted that the reference is relied upon in it's entirety, and thus the limitation of the woven with the rubber coating, is met by this section, whether or not it is repetitious in the patent. Applicant further argues that the combination of Crewe and Holland do not teach a hovercraft. a Hovercraft is not claimed, a skirt assembly with no definitive structure other than "Assembly" is claimed. This again does not preclude the use of additional components, therefore this is also not persuasive. Applicant's traversals over Landry are also not persuasive as Landry was not relied upon for the teaching of wovens.- Crewe was. Landry was relied upon specifically for the showing that air cushioned vehicles are coated with multiple coating layers. However Figure 1 of Landry teaches a woven with multiple coating layers.